IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.366 OF 2005

Ramesh Kisanrao Rajput & ors. ... Applicants

versus

The State of Maharashtra ... Respondent

...

Mr. Shirish Gupte, Senior Counsel, with Mr. R.V. More, for the Applicants.

Mr. K.V. Saste, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

27th January 2005

P.C.:

1. Heard Counsel for the parties. The incident in question has occurred on account of long pending dispute between the villagers and Star Oxochem factory belonging to Star Group of Industries. The villagers have been making grievance from time to time to every possible authority including the highest authority of the State to remedy the mischief caused by the

operation of Star Oxochem factory. However, the grievance was not redressed. The villagers decided to march to the campus of the factory to register protest. It appears that the agitation went beyond the control of the organisers resulting in damage being caused to the property of the factory and perhaps loss of Lap Top computer. The F.I.R. as registered does make reference to the Applicants before this Court, but it is intriguing that when the mob of 1500 persons has marched towards the factory precincts, the complainant, who appears to be Office Boy, aged about 26 years, could notice the Applicants so as to name them as accompanying the mob. Assuming that he could do so, the fact remains that there is nothing even to remotely suggest that the Applicants were responsible for instigating the mob to indulge in rioting or causing damage to the property, as has happened on the day of incident. It appears that the incident of rioting, etc., happened on the spur of the moment. Moreover, soon after the incident, the Applicants on their own surrendered before the police station. It is seen that the entire village marched towards the police station

for surrendering. Even the conduct after the incident is relevant for considering the grant of bail to the Applicants. Learned A.P.P. on instructions states that statements of almost 35 witnesses have been recorded. Although investigation is in progress, detention of the Applicants in custody, to my mind, will be inappropriate, because there is nothing to show that since the date of arrest of the Applicants on 9th January 2005, the investigating agency has thought it necessary to interrogate the Applicants for any matter. Even if the Applicants' presence would be necessary for investigation as also for trial of the case, that can be secured if strict conditions were to be imposed on the Applicants.

2. In the circumstances, having regard to the totality of the circumstances, the Applicants deserve to be enlarged on bail on the following conditions.

(A) The Applicants are granted bail in connection with CR.No.1 of 2005 registered with Jaysingpur Police Station

on executing personal bond in the sum of Rs. 10,000/- (Rupees Ten thousand only) with two local sureties in the like amount.

(B) The Applicants shall not enter the jurisdiction of Jaysingpur Police Station till the investigation is completed and charge sheet is filed.

(C) The Applicants shall report their place of residence to the investigating officer as well as to the trial Court after their release within one week and also report to the nearest police station once a week on Saturday between 10 a.m. to 2 p.m. The Applicants shall, however, enter the jurisdiction of Jaysingpur Police Station, if required by the investigating officer for the purpose of investigation.

(D) The Applicants shall not tamper with the prosecution evidence nor shall influence the prosecution witnesses in

any manner whatsoever.

(E) The Applicants shall extend full co-operation for early disposal of the trial. If the trial Court is of the opinion that the Applicants are in any way responsible for causing delay in disposal of the trial, that fact be recorded in the roznama, which can be a ground for cancellation of bail.

3. Application disposed of on the above terms.

(A.M.KHANWILKAR,J.)